

Mandate of the Special Rapporteur on the situation of human rights in Myanmar

Ref.: AL USA 18/2025
(Please use this reference in your reply)

5 June 2025

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights in Myanmar, pursuant to Human Rights Council resolution 58/20.¹

I am writing to inform you that I am monitoring violations of United States sanctions policy, including the transfer of weapons and weapons materials, as well as the facilitation of such transfers, to Myanmar's military junta. These materials are being used to commit gross human rights violations.

In this connection, I would like to bring to your attention information I have received concerning **the American Chamber of Commerce in Myanmar and its ongoing relationship with financial institutions providing material support to the Myanmar military junta, including support that is in violation of U.S. policy.**

According to the information received:

The American Chamber of Commerce in Myanmar held its 8th Annual General Meeting on 30 May at the Melia Hotel Yangon. According to its website, the event was sponsored by Ayeyarwady Farmer Development Bank ("A-Bank"), a bank that my recent reporting has tied to the facilitation of weapons and weapons materials purchases by the junta and other sanctioned entities.

The American Chamber of Commerce in Myanmar also held an A-Bank-sponsored event on 26 September 2024.

According to its website, the American Chamber of Commerce in Myanmar was accredited by the U.S. Chamber of Commerce in August 2023. It also notes that it "maintains an active collaborative relationship with the Embassy of the United States in Yangon and other U.S. Government institutions".

Last year I published my most recent report on this issue: "Banking on the Death Trade: How Banks and Governments Enable the Military Junta in Myanmar". The report notes that A-Bank has provided services to U.S.-sanctioned entities in Myanmar and facilitated the junta's procurement of weapons and other military supplies from abroad. A-Bank was used to send nearly US\$1 million in payments for weapons and other supplies purchased by the SAC from its partners abroad. In 2023, it also facilitated the import of over US\$2 million in raw materials and specialist tooling equipment on behalf of military-

¹ Situation of human rights in Myanmar, Human Rights Council Resolution 58/20, U.N. Doc. A/HRC/RES/58/20, 4 April 2025.

conglomerates Myanmar Economic Corporation and Myanmar Economic Holding Limited, both of which have been under U.S. sanctions since 2021.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, and in order to ensure the accuracy of future reporting, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Is Your Excellency's Government aware that the American Chamber of Commerce in Myanmar, which reportedly works closely with the U.S. Embassy in Yangon, promoted as a prominent sponsor of a public event, Ayeyarwady Farmer Development Bank ("A-Bank") which has violated U.S. sanctions policy through its facilitation of weapons and weapons materials purchases by the Myanmar military junta, including to U.S.-sanctioned entities?
3. Does your Excellency's Government have a position, or does it intend to consider taking a position, with respect to a U.S. Chamber of Commerce accredited organization showcasing entities that facilitate violations of U.S. sanctions policy?
4. Will your Excellency's Government communicate with the American Chamber of Commerce in Myanmar regarding the promotion of entities that are in violation of U.S. sanctions policy?

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please be informed that a letter on this subject matter has also been sent to the American Chamber of Commerce in Myanmar.

Please accept, Excellency, the assurances of my highest consideration.

Thomas Andrews
Special Rapporteur on the situation of human rights in Myanmar

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw your Excellency's Government's attention to the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultations with governments, civil society and the business community. The guiding principles were established as the authoritative global standard for all states and companies to prevent and address the negative impacts of business on human rights. The Guidelines are based on the recognition of:

- (a). “The existing obligations of States to respect, protect and fulfil human rights and fundamental freedoms;
- (b). the role of business enterprises as specialised bodies or companies performing specialised functions, which must comply with all applicable laws and respect human rights;
- (c). the need for appropriate and effective remedies for rights and obligations when they are violated”.

The guiding principle 1 reiterates the State's duty to "protect against human rights abuses by business enterprises on its territory and/or under its jurisdiction". The guiding principle 2 provides that States should make clear that all companies domiciled on their territory and/or under their jurisdiction are expected to respect human rights in all their activities. In addition, the guiding principle 3 reiterates that States must take appropriate measures to "prevent, investigate, punish and remedy such abuses through effective policies, laws, regulations and adjudication". In addition, it requires, among other things, that a State "provide effective guidance to business enterprises on how to respect human rights throughout their operations".

The UN Human Rights Council has stressed the importance of applying the Guiding Principles in Myanmar prior to the coup. In resolution 40/29 (2019), the Council encouraged “all business enterprises, including transnational corporations and domestic enterprises, to respect human rights in accordance with the UN Guiding Principles on Business and Human Rights.”

The need for companies to adhere to the UN Guiding Principles has only grown more urgent in the wake of the coup as the Myanmar military junta has made extensive use of aircraft to commit well-documented atrocity crimes against Myanmar civilians. Any companies facilitating the acquisition of weapons on behalf of the Myanmar military are at extremely high risk of violating these UN Guiding Principles. In addition, the UN Working Group on Business and Human Rights, in its report “A/75/212” on “business, human rights and conflict-affected regions: towards heightened action” urges home and host States to use their key policy tools and levers to ensure that businesses engage in conflict-sensitive heightened due diligence when operating in conflict-affected areas.

The guidelines also state that business enterprises have an independent responsibility to respect human rights. Principles 11 to 24 and 29 to 31 provide guidance to companies on how to fulfil their responsibility to respect human rights, including through human rights due diligence processes.

Two of the UN Guiding Principles have particular relevance for business entities providing arms and associated materials to the Myanmar military:

- (1). UN guiding principle 13 requires that business enterprises: “Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;” and “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”
- (2). UN guiding principle 17 states that in order to identify, prevent, mitigate and account for how the business addresses their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.